

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 1494 – SB 2205**

March 5, 2018

**SUMMARY OF ORIGINAL BILL:** Authorizes a county mayor or executive to issue an order to evacuate the county or any portion thereof during a local state of emergency.

**FISCAL IMPACT OF ORIGINAL BILL:**

Other Fiscal Impact – To the extent a county mayor or local executive issues an order to evacuate pursuant to this legislation, when an evacuation order would not have otherwise been issued under current law, then a responding local government may incur additional personnel and equipment expenses and the affected local government may incur additional reimbursement expenses. The timing and extent of any such expenses cannot be reasonably determined.

**SUMMARY OF AMENDMENT (012877):** Deletes and rewrites all language after the enacting clause such that the substantive changes are to: (1) authorize a mayor or executive of a municipality or metropolitan government to issue an order to evacuate any portion of an incorporated area; and (2) create a Class C misdemeanor offense for any person who willfully violates an evacuation order.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

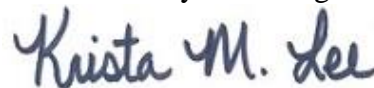
- Public Chapter 743 of 2004 enacted the Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004 (MAEDAAA) and authorized local government mutual aid in any state of emergency, outlined relative reimbursement of costs for assistance rendered, and authorized local governments to extend existing agreements with other local governments or to enter into new agreements outlining aid and assistance.
- Pursuant to Tenn. Code Ann. § 58-8-103(a), local governments without local agreements are bound by the provisions of the MAEDAAA.

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- Pursuant to Tenn. Code Ann. § 58-2-107(e)(5), chief administrators of municipalities and metropolitan governments have independent authority to compel evacuations within their respective jurisdiction during civil emergencies.
- Pursuant to Tenn. Code Ann. § 58-8-104, county mayors are authorized to declare a local state of emergency. The declaration entitles responding parties to certain cost reimbursements outlined in Tenn. Code Ann. Title 58 Chapter 8 or otherwise agreed upon by local parties on or after July 1, 2004.
- Authorizing county mayors or executives to evacuate counties during local states of emergency may lead to additional personnel and equipment expenses incurred by responding local governments and reimbursement expenses by the affected local government.
- The total statewide increase in local expenditures associated with such responses and any subsequent reimbursements are dependent on multiple unknown factors including: the timing and extent of any response and the amount due under the MAEDAAA or the terms of any existing local government agreement.
- Given the extent of unknown factors, the precise fiscal impact to local government cannot be reasonably determined; however, in instances where an evacuation is issued, local governments may incur additional expenses.
- There will not be a sufficient change in the number of misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- Any net impact on state or local government tax revenue is estimated to be not significant.
- Any impact to state government operations is estimated to be not significant.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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